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EXAMINER

PENDLETON, DIONNE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Response to Arguments

1. Applicant's arguments filed 3-10-11 have been fully considered but they are not persuasive.
2. With regard to the 350 USC 103 rejection of claims 6 and 9, Applicant argues that, “***‘within a predetermined range’ is not the same as ‘within a reference range of the center of the track,’ as recited in Applicant's claims.***”

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., within a reference range) are not recited in the rejected claims 6 and 9. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With regard to independent claims 1 and 4, the Examiner does not agree with the Applicant that “within a predetermined range” can not fairly correspond to, “within a reference range of the center of the track”, since a “predetermined range” may encompass the “reference range of the center of the track”.

3. Applicant argues that Hong fails to teach “...[indicating] **that the current position of the optical pickup is within a predetermined range of a center of the track when a track jump command is received...**”.

The Applicant argues against the **Hong** prior art reference individually. One cannot show nonobviousness by attacking references individually where the rejections are based on

Art Unit: 2627

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this instance, The Examiner relies upon Hong for teaching the checking of the current location of the pickup when a jump command is received, and performing a track jump i.e., outputting a track jump start signal, when the current location of the pickup is within a predetermined range. The Examiner acknowledges that the "predetermined range" of Hong refers to the end of the header, and not to a track center. The Examiner, therefore, relies upon Akiyama for curing the deficiency of Hong. **Akiyama** recognizes a need in the art for delaying a track jump until the pickup is located at track center. Therefore, this particular limitation is rejected by a combination of the teachings of at least Hong and Akiyama, and are not rejected by Hong, alone.

4. Applicant argues that Akiyama fails to teach **“generating a track jump start control signal if it is judged that the position of the pickup at the time of the track jump command is within a reference range of the center of the track”**.

However, the Applicant argues against the **Akiyama** prior art reference individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this instance, The Examiner does not rely upon Akiyama for teaching judgment of the pickup's position before generating a track jump start control signal. The Examiner actually relies upon Hong for teaching this particular limitation. **Hong** teaches generating a track jump

Art Unit: 2627

start control signal if it is judged that the position of the pickup at the time of the track jump command is within a reference range. Specifically, column 5, lines 29-37; claim 1; and claim 29, all teach checking whether a current location is within a reference range, when the track jump command is received; and performing a track jump after the current location is determined to be within a reference range.

The Examiner further acknowledges that the reference range of Hong refers to the end of a header, and not to the center of the track, which is different from that which is required by the Applicant's claim. The Examiner therefore, relies upon Akiyama, for curing the deficiency of the Hong prior art. **Akiyama** recognizes a need in the art for positioning a pickup at track center prior to a track jump operation. Therefore, this particular limitation is rejected by a combination of the teachings of at least Hong and Akiyama, and are not rejected by Akiyama, alone.

5. The Examiner maintains that at least claims 1, 4, 6 and 9 have been properly rejected by the combined teachings of Aoe, Hong and Akiyama. Therefore, prosecution remains closed.

/Dionne H Pendleton/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627